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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,526	03/20/2001	Nagahisa Chikazawa	010363	9425

7590

06/22/2005

Westerman, Hattori, Daniels & Adrian, LLP
1250 Connecticut Avenue, N.W.
Suite 700
Washington, DC 20036

EXAMINER

LAROSE, COLIN M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/811,526	Applicant(s) CHIKAZAWA ET AL.	
	Examiner Colin M. LaRose	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet for explanation.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: Interview Summary for 6/10/05 Interview attached.


VIKRAM BALI
PRIMARY EXAMINER

Art Unit: 2623

Applicant's request for reconsideration has been considered but is not persuasive.

Regarding claim 1, the previous combination of Bradney and Setlak is considered to be valid.

Essentially, Bradney teaches an identity verification system that includes a fingerprint sensor with a flip-top cover disposed over it. Bradney discloses all of the features of claim 1 except the "contact section being electrically connected to ground." Bradney does not appear to be concerned with the specifics regarding the electronic implementation of the fingerprint sensor and provides only a high-level illustration of the sensor in figure 8. Figure 8 does not include details of any of the electronic connections between the various components of the sensor.

Whereas Bradney utilizes an optical sensor, Setlak discloses a capacitive sensor that is disclosed as being superior to prior art optical sensors (Cf. Setlak, column 1, lines 20-48). The proposed combination, which replaces Bradney's optical sensor with a capacitive sensor disclosed by Setlak, is considered an obvious modification in view of Setlak's teachings that his capacitive sensor is "inexpensive, robust, and energy efficient" (column 2, lines 45-49) and overcomes some of the problems with the prior art optical sensors (column 1, lines 36-48). The combination of Bradney and Setlak includes: Setlak's fingerprint sensor, whose contact section is connected to ground, and Bradney's flip-top cover, which is disposed over the sensor and separate from the sensor.

The previous Office action (pp. 3-4) set forth such a combination, which is now maintained:

1. "The device of [Bradney01], however, lacked the connection to ground, as set forth in both Claims 1 and 7... [The Examiner] argued that the fingerprint sensor of [Bradney01] could

Art Unit: 2623

be interchanged with the fingerprint sensor of [Setlak99]. It was noted that, in terms of dimension and function, the two sensors were similar, [however, the] two sensors are clearly different electrically. Though these differences are not trivial, they would not deter one from using the sensor of [Setlak99] in lieu of the sensing mechanism of [Bradney01] as a means for “capturing” an operator’s fingerprint, particularly given the advantages of [Setlak99]. Such a modification could, for example, comprise wholly replacing the optically-based components of [Bradney01] for the sensor and supporting components of [Setlak99].”

2. “Taking into account the totality of [Bradney01] (note, for example, [Bradney01] Figs. 1 and 6-7), it is clear that the overall functionality of the disclosed verification system would not be perturbed by utilizing a different type of fingerprint sensor. Indeed, the *optical* acquisition of the fingerprint is not a critical aspect of that system. What is critical to the rest of the system is simply the acquisition of the fingerprint. Therefore, the teachings of [Bradney01] certainly do not teach against the combination of [Bradney01] and [Setlak99]...”

3. “[O]ne would have been motivated to replace the optical fingerprint sensor of [Bradney01] with the electrical field sensor of [Setlak99] because of the various advantages of the latter. These include (cf. [Setlak99], column 6, lines 50-55) power conservation and protection against electrostatic discharge (ESD).”

Furthermore, it should be noted that Bradney does not teach away from utilizing other types of fingerprint sensors. Bradney discloses that, “certain hardware systems, such as fingerprint scanners and card readers known in the art, may be adapted to be compatible with this system” (column 7, lines 20-24).

Regarding claims 3, 4, 7, 9, 13, and 15, which recite substantially the same limitations as claim 1, the above remarks also apply. For claims that recite additional features such as a curved cover or recessed sensor, Bradney shows these features in figures 3, 4, and 4a.